

of 10 APPENDIX H

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provice by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiat he civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS ANNA MARIA GRANATO					DEFENDANTS NORTHLAND GROUP, INC.					
(b) County of Residence of First Listed Plaintiff PHILADELPHIA (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) Cary L. Flitter, Esq., Flitter Lorenz, P.C., 450 N. Narberth Avenue, Suite 101, Narberth, PA 19072, (610) 822-0782					County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)					
	S OF JURISDI	ICTION (Place an "X" in Or	ne Box Only)	III. CIT	 TIZENSHIP OF P	RINCIPA	L PARTIES(P	lace an "X" in One	Box for	Plaintiff
□1 U.S	S. Government		• /	PTF	(For Diversity Cases Only	') DEF	7	and One Box for		
□2 U.S	S. Government				□ 1 Incorporated nr Principal Place of Business In This State □ 2 Incorporated nnd Principal Place of Business In Another State			□ 5	□ 5	
			,	Citizen or Subject of a Foreign Country		3 Soreign Nation		Another State	□ 6	□ 6
V. NAT	URE OF SUIT	(Place an "X" in One Box Only		•						
110 Insur 120 Mari 130 Mille 140 Nego 150 Reco & Enfa 151 Med. 152 Reco Studen (Excl.) 160 Stool 190 Othe 195 Contr 196 France 210 Land 220 Foree 240 Torts 245 Tort	ne er Act otiable Instrument overv of Overpayment or Judgment icare Act overy of Defaulted t Loans Veterans) veter of Overpayment eran's Benefits kholders' Suits r Contract act Product Liability chise L PROPERTY L Condemnation closure Lease & Ejectment	PERSONAL INJURY 310 Airplane 362 Personal Injury - 315 Airplane Product Liability 365 Personal Injury - 367 Personal Injury - 368 Asbestos Personal Injury Product Liability 370 Other Product Liability 370 Other Fraud 370 Other Fraud 370 Other Personal Property Damage 385 Motor Vehicle 385 Motor Vehicle 385 Motor Vehicle 385 Property Damage 385 Prope		62 62 63 64 65 66 71 72 73 8 74 79	description description		drawal C 157 CTY RIGHTS rights at emark SECURITY (1395ff) L Lung (923) C/DIWW (405(g)) Title XVI 405(g)) L TAX SUITS s (U.S. Plaintiff endant) -Third Party	OTHER STATUTES □ 400 State Reapportionment □ 410 Antitrust □ 430 Banks and Banking □ 450 Commerce □ 460 Deportation □ 470 Racketeer Influenced and Corrupt Organizations ☑ 480 Consumer Credit □ 490 Cable/Sal TV □ 810 Selective Service □ 850 Securities/Commodities/Exchange □ 875 Customer Challenge □ 12 USC 3410 □ 890 Other Statutory Actions □ 891 Agricultural Acts □ 892 Economic Stabilization Act □ 893 Environmental Matters □ 894 Energy Allocation Act □ 895 Freedom of Information Act □ 900 Appeal of Fee Determination Under Equal Access to Justice □ 950 Constitutionality of		
'. ORIGI ⊠1 Ori _i Pro	ginal 🔲 2	_	manded from 4	Reinstate Reopened		strict 6	Multidistrict □7	State Statute Appeal to Distr Judge from Ma Judgment	ict	
I. CAUS	E OF ACTION	Cite the U.S. Civil Statute Brief description of cause			not cite jurisdictional s	tatutes unles	s diversity):			
	UESTED IN PLAINT:	CHECK IF THIS IS A UNDER F.R.C.P. 23	CLASS ACTION	DEN	MAND \$		S only if demande	ed in complaint		
TIII. REL IF A	ATED CASE(S) NY	(See instructions):	JUDGE SIGNATURE OF ATT	OPNEYO		OOCKET NU	MBER			
	Aug 5, 2	013	SIGNATURA OF ATT	L	full					
RECEIPT	# AM	OUNT	APPLYING IFP		JUDGE		MAG. JUDO	iΕ		

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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by w, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the lerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed the attorney filing a case should complete the form as follows:

- (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only e full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, givin oth name and title.
- (b) County of Residence. For each civil case filed, except U. S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time o ling. In U. S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, thounty of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in is section "(see attachment)".
- Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

nited States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

nited States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

ederal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the onstitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and bo or 2 should be marked.

iversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the fferent parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

- **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section reach principal party.
- V. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficien enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select emost definitive.
- **Origin.** Place an "X" in one of the seven boxes.

riginal Proceedings. (1) Cases which originate in the United States district courts.

emoved from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for moval is granted, check this box.

emanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

einstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

ransferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict igation transfers.

lultidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is necked, do not check (5) above.

ppeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

- Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes nless diversity.
 Example: U.S. Civil Statute: 47 USC 553
 - Brief Description: Unauthorized reception of cable service
- II. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

emand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

ıry Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

III. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and e corresponding judge names for such cases.

ate and Attorney Signature. Date and sign the civil cover sheet.

APPENDIX I

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

ANNA MARIA GRANATO

CIVIL ACTION

		• •				
NORTHL	AND GROUP, INC.	E	NO.			
plaintiff filing the side of the designat the plain	dance with the Civil Justice Expense and I shall complete a case Management Track De complaint and serve a copy on all defendant this form.) In the event that a defendant do ion, that defendant shall, with its first appearance and all other parties, a case management at defendant believes the case should be assigned.	esignates. (See oes not rance, so	ion Form in all civil cases at § 1:03 of the plan set forth on agree with the plaintiff reg submit to the clerk of court a	the ti the re arding nd ser	me of everse g said rve on	
SELECT	ONE OF THE FOLLOWING CASE MAN	AGEM	ENT TRACKS:			
(a) H	Habeas Corpus – Cases brought under 28 U.S.C.	. §2241	through §2255.	()	
	Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits					
(c) A	Arbitration – Cases required to be designated for	· arbitrat	tion under Local Civil Rule 53.2	2. (Χ)	
	Asbestos – Cases involving claims for personal i xposure to asbestos.	njury or	r property damage from	()	
c b	pecial Management – Cases that do not fall into ommonly referred to as complex and that need by the court. (See reverse side of this form for a nanagement cases)	special o	or intense management	()	
(f) S	tandard Management - Cases that do not fall in	to any c	one of the other tracks.	()	
9 S Date	Cary L. Flitter Attorney at Law		Attorney for Plaintiff			
(610) 822 Telephor (Civ.660) 10.	Fax Number	* /	cflitter@consumerslaw.co E-Mail Address	<u>om</u>		

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UNITED STATES DISTRICT COURT

APPENDIX F

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM assignment to appropriate calendar. Address of Plaintiff: 1136 Alton Place, Philadelphia, PA 19115-4515	to be used by counsel to indicate the category of the case for the purpose of					
Address of Defendant: 7831 Glenroy Road, Suite 250, Edina, MN 55439						
Place of Accident, Incident or Transaction: 1136 Alton Place, Philadelphia, PA 19115-4515 (Use Reverse Side For Additional Space)						
Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a) Yes \(\subseteq \) No \(\subseteq \)						
Does this case involve multidistrict litigation possibilities?	Yes 🗌 No 🛛					
RELATED CASE, IF ANY:						
Case Number: Judge	Date Terminated:					
Civil cases are deemed related when yes is answered to any of the following questions:	-					
 Is this case related to property included in an earlier numbered suit pending or with Does this case involve the same issue of fact or grow out of the same transaction as action in this court? 	Yes 🗌 No 🛛					
3. Does this case involve the validity or infringement of a patent already in suit or any e terminated action in this court?						
CIVIL: (Place ☑ in ONE CATEGORY ONLY) A. Federal Question Cases; 1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts 2. ☐ FELA 3. ☐ Jones Act-Personal Injury 4. ☐ Antitrust 5. ☐ Patent 6. ☐ Labor-Management Relations 7. ☐ Civil Rights 8. ☐ Habeas Corpus 9. ☐ Securities Act(s) Cases 10. ☐ Social Security Review Cases 11. ☒ All other Federal Question Cases (Please specify) FDCPA, 15 USC § 1692	 B. Diversity Jurisdiction Cases: 1. ☐ Insurance Contract and Other Contracts 2. ☐ Airplane Personal Injury 3. ☐ Assault, Defamation 4. ☐ Marine Personal Injury 5. ☐ Motor Vehicle Personal Injury 6. ☐ Other Personal Injury (Please specify) 7. ☐ Products Liability 8. ☐ Products Liability (Asbestos) 9. ☐ All other Diversity Cases (Please specify) 					
ARBITRATION CER (Check appropriate I,, counsel of record do hereby certify: Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the besaction case exceed the sum of \$150,000.00 exclusive of interest and costs; Relief other than monetary damages is sought Attorney-at-Law NOTE: A trial de novo will be a trial by jury only if	est of my knowledge and belief, the damages recoverable in this civil 35047 Attorney I.D.					
NOTE: A trial de novo will be a trial by jury only if I certify that, to my knowledge, the within case is not related to any case now pending as noted above. DATE: CIV.609 (4/03) Attorney-at-Law						

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANNA MARIA GRANATO 1136 Alton Place Philadelphia, PA 19115-4515

Plaintiff,

VS.

CIVIL ACTION

NORTHLAND GROUP, INC. 7831 Glenroy Road Suite 250 Edina, MN 55439

Defendants.

NO.

COMPLAINT

I. INTRODUCTION

- 1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 ("FDCPA").
- 2. The FDCPA prohibits debt collectors from engaging in unfair or unconscionable practices in the collection of a consumer debt.
- 3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

II. <u>JURISDICTION</u>

- 4. Subject matter jurisdiction of this Court arises under 15 U.S.C. §1692k, actionable through 28 U.S.C. §\$1331 and 1337.
- 5. Venue is proper as defendant regularly does business in this district and has caused harm in this district.

III. PARTIES

- 6. Plaintiff Anna Maria Granato ("Plaintiff" or "Granato") is a consumer who resides in Philadelphia, Pennsylvania at the address captioned.
- 7. Defendant Northland Group, Inc. ("Defendant" or "Northland") is a nationwide debt collector with a principal place of business at the address captioned.
- 8. Defendant regularly engages in the collection of consumer debts using the mails and telephone.
 - 9. Defendant regularly attempts to collect consumer debts alleged to be due another.
- 10. Defendant is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. § 1692a(6).

IV. STATEMENT OF CLAIM

- 11. On or about August 9, 2012, Defendant Northland mailed a collection notice to Plaintiff in an attempt to collect a consumer debt alleged due. A copy of the August 9, 2012 letter is attached hereto as Exhibit A (redacted in part per Fed. R. Civ. 5.2).
 - 12. The collection letter was mailed by Northland to Plaintiff in a window envelope.
- 13. Visible through the window of the envelope placed into the mails was Plaintiff's financial account number of the Northland account that Defendant was attempting to collect from Plaintiff: "XXXXX5034." (Ex. "A"). The financial account number that Northland made visible through the glassine window is not permitted under Fed R. Civ. P. 5.2 to be reproduced in this pleading, and is thus redacted to all but the last four digits. (*See* Ex. "A").
- 14. The financial account number constitutes personal identifying information; it is a unique personal identifier linking Plaintiff to the account Defendant is attempting to collect.

2

- 15. Section 1692f of the FDCPA prohibits the use of unfair or unconscionable means to collect or attempt to collect a debt, including the use of any language or symbol other than the debt collector's name (only if it does not indicate the entity is in the debt collection business) or address on any envelope when communicating with a consumer by mail.
- 16. Disclosure of account numbers in the public realm violates conventions of privacy and privacy protections in federal laws including the Gramm Leach Bliley Act and FTC Rules.

COUNT I

(FAIR DEBT COLLECTION PRACTICES ACT)

- 17. Plaintiff repeats the allegations contained above as if the same were here set forth at length.
- 18. The acts by Defendant described above violate the Fair Debt Collection Practices Act by the use of language or a symbol other than the debt collector's name or address on any envelope when communicating with a consumer by mail, in violation of 15 U.S.C. § 1692f, § 1692f(8).

WHEREFORE, Plaintiff Anna Maria Granato demands judgment against Defendant Northland Group, Inc. for:

- (a) Damages;
- (b) Attorney's fees and costs; and
- (c) Such other and further relief as the Court shall deem just and proper.

VII. JURY DEMAND

Pursuant to Fed.R.Civ.P. 38, Plaintiff demands trial by jury as to all issues so triable.

DATE

8 5 13

Respectfully submitted:

CARY L. FLITTER THEODORE E. LORENZ ANDREW M. MILZ

Attorneys for Plaintiff

FLITTER LORENZ, P.C. 450 N. Narberth Avenue, Suite 101

Narberth, PA 19072 (610) 822-0782

EXHIBIT "A"

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866-648-4513 ext 3310 NGI@northlandgroup.com Hours of Operation: M-Th 7-9, F 7-7, Sat 8-2 CT www.payments2northland.com

August 9, 2012

ACCOUNT INFORMATION

Minneapolis, MN 55439

Mail Code SHTX13

Current Account Owner: LVNV Funding LLC Original Creditor: First Premier/Premier Bankcard, Inc. Original Account #: **********5760

Current Balance Due: \$853.43

Anna Maria L Granato (5034 – 1136 Alton Pl Philadelphia, PA 19115-4515

NORTHLAND ACCOUNT NUMBER

5034



Settle your account in 3 or 6 payments!

In order to assist you in clearing this debt, we are offering options.

Option I: LVNV Funding LLC will allow you to settle your account for \$128.04 in 3 payments starting on 08/30/12. We are not obligated to renew this offer. The payments can be no more than 30 days apart. Upon receipt and clearance of all three payments of \$42.68, a letter will be sent confirming the above referenced account has been resolved.

Option II: LVNV Funding LLC will allow you to settle your account for \$170.70 in 6 payments starting on 08/30/12. We are not obligated to renew this offer. The payments can be no more than 30 days apart. Upon receipt and clearance of all 6 payments of \$28.45, a letter will be sent confirming the above referenced account has been resolved.

Please contact the representative below at 866-648-4513 ext 3310 if you have any questions. These are not your only options.

ACH DISCLOSURE: When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. **When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution. **



Pay Online: www.payments2northland.com



Pay by Phone: Please call Northland Group, Inc. at 866-648-4513 ext 3310. We offer check by phone, Western Union, Money Gram and credit card.



Pay by Mail: Send payments to PO Box 390846, Minneapolis, MN 55439.

This is an attempt to collect a debt by a debt collector and any information obtained will be used for that purpose.

This communication is sent to you by Northland Group, Inc., a debt collector and a member of ACA International.

This collection agency is licensed by the Minnesota Department of Commerce.